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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,433	11/20/2000	Lou Leonardo	2043.023US1	9413
49845	7590	05/02/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			KESACK, DANIEL	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/717,433	Applicant(s) LEONARDO ET AL.	
	Examiner Dan Kesack	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/3/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's response dated August 3, 2005 has been reviewed. Original and amended claims 1-27 are currently pending. The rejections are as stated below.

Response to Arguments

2. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2, 9, 16 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 9, 16 and 22 recite “facilitating submission of a refund request if the complaint is not completed”. It is unclear what constitutes a “completed complaint,” and therefore it is indefinite as to when and how this step is executed according to the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1, 4, 5, 8, 11, 12, 15, 18, 19, 21, 24, 25, are rejected under 35 U.S.C. 103(a) as being unpatentable over the SquareTrade website (as viewed on the WayBack Machine from May 5, 2000), in view of Walker, U.S. Patent No. 6,415,264.

Claims 1, 8, 15, 21, SquareTrade discloses an Internet based system of resolving disputes, comprising facilitating submission of a complaint to a network-based facility, the complaint being related to a party in a failed transaction, and facilitating a resolution of the complaint (Steps 1-4).

Claims 1, 7, 8, 14, 15, 21, 27, SquareTrade fails to teach updating a record indicating a count of failed transactions associated with the party if the complaint is not resolved, and buyer and seller transactions including online action transactions.

Claims 1, 8, 15, 21, Walker discloses a system and method for collecting payments, wherein a user database records user data categories, said categories including a count of the number of transactions related to the user which resulted in unsatisfied parties (column 6 lines 39-47). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of SquareTrade to include this user data, because it is beneficial to identify repeatedly delinquent users, so as to take precautions to avoid future disputes.

Claims 7, 14, 27, Walker also teaches online auctions as well known online transactions between buyers and sellers on the Internet (column 1 lines 44-54). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of SquareTrade to specify the application to online auctions because it is a well known and popular method of online transactions, and is less regulated, and therefore prone to more disputes than retail or commercial online transactions.

Claims 4, 5, 11, 12, 18, 19, 24, 25, SquareTrade teaches providing an interface to facilitate input of information for the complaint (Step 1), and notifying the party that the complaint has been submitted against the party (Step 2).

8. Claims 2, 3, 9, 10, 16, 17, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over SquareTrade and Walker, as applied to claims 1, 8, 15, and 21 above, and further in view of the article "UAUTOBID.com, Inc., Introduces the Capability to Purchase Specific Vehicles Online."

Claims 2, 3, 9, 10, 16, 17, 22, 23, SquareTrade and Walker fail to teach facilitating the submission of a refund request if the complaint is not completed, and providing an interface to facilitate input of information for the refund request.

UAUTOBID.com teaches providing an online refund request form, submitting the form, and refunding money to the user (page 2, "Customer Comfort"). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of SquareTrade and Walker to include a refund capacity because such a guarantee provides user with the added comfort of knowing that a refund will be issued in the event that a settlement cannot be reached in an online transaction dispute.

9. Claims 6, 13, 20, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over SquareTrade in view of Walker as applied to claims 1, 8, 15, and 21 above, and further in view of Esposito, U.S. Patent No. 6,587,838.

Claims 6, 13, 20, 26, SquareTrade and Walker fail to teach suspending the party from participating future transactions with the network-based facility if the count exceeds a predetermined count value.

Esposito teaches method and system for conducting electronic commerce, wherein a user account history can be viewed, and the accounts of non-paying or delinquent users can be suspended, and barred from participating in future transactions (column 7 lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of SquareTrade and Walker to include the ability to suspend uncooperative or delinquent users because it is beneficial and necessary to bar users who are not following the rules and regulations of the system from taking part in transaction which may cause any future disputes.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'H. M. Kazimi', with a stylized flourish at the end.

HANI M. KAZIMI
PRIMARY EXAMINER